

FAX

RECEIVED
CENTRAL FAX CENTER
MAY 02 2006

ATTN. Michael D. Meucci

Fax Number 1 571 273 8300

Phone Number 571 272 3892

FROM Volel Emile, Esq.

Fax Number 512 306 0240

Phone Number 512 306 7969

SUBJECT Response to 2nd Notice of Non-Compliant App

Number of Pages 16

Date 5/2/2006

MESSAGE

This fax transmission contains:

1. one copy of a Fax Transmittal Form; and
2. one copy of the Response to the 2nd Notice of Non-Compliant Appeal Brief.

Volel

RECEIVED
CENTRAL FAX CENTER

MAY 02 2006

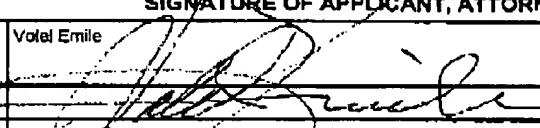
PTO/SB/21 (02-04)

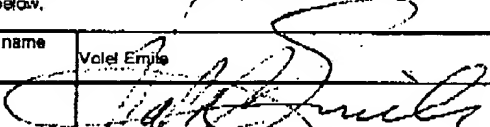
Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	03/963,002
	Filing Date	09/27/2001
	First Named Inventor	Sanaa F. Abdelhadi
	Art Unit	2142
	Examiner Name	Michael D. Mucci
Total Number of Pages in This Submission	Attorney Docket Number	AUSB20010905US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Response to Second Notice of Non-Compliant Appeal Brief		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Volei Emile	
Signature		
Date	05/02/2006	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Volei Emile	
Signature		Date 05/02/2006

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAY 02 2006

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:
Abdelhadi et al.

Serial No: 09/965,002

Filed: 09/27/2001

Title: APPARATUS AND METHOD
OF REPRESENTING REAL-TIME
DISTRIBUTED COMMAND
EXECUTION STATUS ACROSS
DISTRIBUTED SYSTEMS

Before the Examiner:
Michael D. Meucci

Group Art Unit: 2142

Confirmation No.: 2728

RESPONSE TO SECOND NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Response to a second Notice of Non-Compliant Appeal Brief dated April 24, 2006.

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

BRIEF FOR APPLICANTS - APPELLANTS

(i)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(ii)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii)

Status of Claims

Claims 1 - 37 have been finally rejected under 35 U.S.C. §103 as being unpatentable over Joyce et al. in view of Ahmed et al. in an Office Action dated August 12, 2005.

(iv)

Status of Amendment

All amendments have been entered.

(v)

Summary of Claimed Subject Matter

In accordance with the teachings of the invention, when a command is being executed on a plurality of computer systems on a network, a dialog window is displayed (page 17, lines 9 – 16 and Fig. 10). In the dialog window, sub-windows for displaying present status of the execution of the command on each of the computer systems are displayed (page 17, lines 24 to page 18, line 9).

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

(vi)

Grounds of Rejection to be Reviewed on Appeal

Whether Claims 1 – 37 were properly rejected under 35 U.S.C. §103(a) as being unpatentable over Joyce et al. in view of Ahmed et al.

(vii)

Arguments

In considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

Joyce et al. purport to teach a method of using monitoring tools to support the development of distributed systems that interact via message passing (see page 122, lines 1 – 3). In accordance with the teachings of Joyce et al., Jade, a programming environment, is used to support the development of a distributed program. Jade includes a window system, a graphics package, an interactive graphics editor and a distributed monitoring system (see Section 2 on page 125).

The graphics package provides routines for creating and manipulating pictures and the graphics editor facilitates the creation of pictures that can be used to represent specific states of an executing distributed program (see the 4th full paragraph of Section 2.1 on page 125). The window system may be used by a user to create and manipulate windows using a mouse, for example. A window is a virtual terminal as well as an interface to Jade processes (see the 3rd full paragraph of Section 2.1 on page 125).

Thus, in conjunction with the window system, the graphics package and the graphics editor, the distributed monitoring system may be used to observe a set of Jade processes executing on different machines (see the 1st full paragraph

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

of Section 2.1 on page 125 as well as the 1st full paragraph of Section 2.2 on page 126).

The system may be set such that each time an event is received (which is generally done through message passing from one computer system to another), a picture that represents a current state of the inter-process communication of the distributed application program is updated and displayed to the user (see Section 3.2 on pages 133 and 134). Consequently, an animated graphical view of an event stream, such as that shown in Fig. 7, may be displayed to a user.

But Joyce et al. do not teach, show or suggest the step of ***displaying a dialog window that is divided into sub-windows in which the status of a command that is being executed on a plurality of computer systems is displayed*** as claimed.

Ahmed et al. purport to teach a distributed framework for intertask communication between workstation applications. According to the purported teachings of Ahmed et al., one or more workstations are interconnected by an extensible intertask communication (ITC) apparatus. Each workstation has a display in which one or more windows are presented to an operator. Each window is generated in response to the execution of an application program or client application. Each client application has a Human Interface Code and a Framework Code. The Framework Code, in conjunction with a server program, transmits and communicates event information directly between a first client application and a second client application, or a plurality of client application programs concurrently executing in one or more workstations of a network of interconnected workstations, without requiring that event information pass through and register with an intervening server or dispatcher application program, if and when an interest object is initially transmitted between the first client application and the second client application via the server program.

An event is an action taken by one operator at a workstation. For example, that operator may drag the cursor by moving a mouse or perhaps the operator will delete data or create new data. That event information, being
AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

practiced by one operator in one program application at one workstation, may be needed by another operator in another program application at another workstation. The interprocess communication can transmit that event information from the one program application to all other program applications in the network of workstations, without requiring that the event information register with an intervening server or dispatcher program, provided that an interest object(s) was initially transmitted between the one program application and all the other program applications via a server which are concurrently executing in all of the workstations in the network of workstations.

However, just as in the case of Joyce et al., Ahmed et al. do not show, teach or so much as suggest the step of ***displaying a dialog window that is divided into sub-windows in which the status of a command that is being executed on a plurality of computer systems is displayed*** as claimed.

Since the references, neither alone nor in combination, teach, show or suggest the claimed invention, Applicants submit that the claims in the Application are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully Submitted

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010905US1

Page 5 of 14

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

(VIII)

Claims Appendix

1. (Previously presented) A method of displaying an execution status of a command, said command being sent to a plurality of computer systems on a network for execution, said method comprising the steps of:

displaying a dialog window, said dialog window being divided into sub-windows for displaying present status of the execution of the command on each of the computer systems; and

displaying the status of the execution of the command on each of the computer systems within a proper sub-window.

2. (Original) The method of Claim 1 wherein said sub-windows include a "waiting" sub-window, a "working" sub-window and a "completed" sub-window.
3. (Original) The method of Claim 2 wherein the step of displaying the status of the execution of the command includes displaying the names of the computer systems in the sub-windows in accordance with the status of the execution of the command on the computer systems.
4. (Original) The method of Claim 3 wherein when the command begins to execute on a computer system, the name of the computer system is moved from the "waiting" sub-window to the "working" sub-window.
5. (Original) The method of Claim 4 wherein when the command has finished executing on a computer, the name of the computer is moved from the "working" sub-window to the "completed" sub-window.

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

6. (Original) The method of Claim 5 wherein the "completed" sub-window is further divided into a "successful" sub-window and a "failed" sub-window.
7. (Original) The method of Claim 6 wherein the names of the computer systems that have successfully completed the execution of the command are displayed in the "successful" sub-window.
8. (Previously presented) The method of Claim 7 wherein the names of the computer systems that have not successfully completed the execution of the command are displayed in the "failed" sub-window.
9. (Previously presented) The method of Claim 8 wherein the names of the computer systems that have not successfully completed the execution of the command are displayed in red in the "failed" sub-window.
10. (Original) The method of Claim 9 wherein when the displayed name of a computer system is selected further information about the status of the command executing on the computer system is displayed.
11. (Original) The method of Claim 10 wherein if the selected computer system is displayed in the failed sub-window, a reason for the unsuccessful completion of the execution of the command is displayed.
12. (Previously presented) The method of Claim 11 wherein if the selected computer system is displayed in the executing sub-window, a real-time progress of the execution of the command is displayed.
13. (Previously presented) A computer program product on a computer readable medium for displaying an execution status of a command, said

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

command being sent to a plurality of computer systems on a network for execution, said computer program product comprising:

code for displaying a dialog window, said dialog window being divided into sub-windows for displaying present status of the execution of the command on each of the computer systems; and

code for displaying the status of the execution of the command on each of the computer systems within the proper sub-window.

14. (Original) The computer program product of Claim 13 wherein said sub-windows include a "waiting" sub-window, a "working" sub-window and a "completed" sub-window.
15. (Original) The computer program product of Claim 14 wherein the code for displaying the status of the execution of the command includes code for displaying the names of the computer systems in the sub-windows in accordance with the status of the execution of the command on the computer systems.
16. (Original) The computer program product of Claim 15 wherein when the command begins to execute on a computer system, the name of the computer system is moved from the "waiting" sub-window to the "working" sub-window.
17. (Original) The computer program product of Claim 16 wherein when the command has finished executing on a computer, the name of the computer is moved from the "working" sub-window to the "completed" sub-window.

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

18. (Original) The computer program product of Claim 17 wherein the "completed" sub-window is further divided into a "successful" sub-window and a "failed" sub-window.
 19. (Original) The computer program product of Claim 18 wherein the names of the computer systems that have successfully completed the execution of the command are displayed in the "successful" sub-window.
 20. (Previously presented) The computer program product of Claim 19 wherein the names of the computer systems that have not successfully completed the execution of the command are displayed in the "failed" sub-window.
 21. (Previously presented) The computer program product of Claim 20 wherein the names of the computer systems that have not successfully completed the execution of the command are displayed in red in the "failed" sub-window.
 22. (Original) The computer program product of Claim 21 wherein when the displayed name of a computer system is selected further information about the status of the command executing on the computer system is displayed.
 23. (Original) The computer program product of Claim 22 wherein if the selected computer system is displayed in the failed sub-window, a reason for the unsuccessful completion of the execution of the command is displayed.
 24. (Previously presented) The computer program product of Claim 23 wherein if the selected computer system is displayed in the executing sub-
- AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

window, a real-time progress of the execution of the command is displayed.

25. (Previously presented) An apparatus for displaying an execution status of a command, said command being sent to a plurality of computer systems on a network for execution, said apparatus comprising:

means for displaying a dialog window, said dialog window being divided into sub-windows for displaying present status of the execution of the command on each of the computer systems; and

means for displaying the status of the execution of the command on each of the computer systems within the proper sub-window.

26. (Original) The apparatus of Claim 25 wherein said sub-windows include a "waiting" sub-window, a "working" sub-window and a "completed" sub-window.
27. (Original) The apparatus of Claim 26 wherein the means for displaying the status of the execution of the command includes means for displaying the names of the computer systems in the sub-windows in accordance with the status of the execution of the command on the computer systems.
28. (Original) The apparatus of Claim 27 wherein when the command begins to execute on a computer system, the name of the computer system is moved from the "waiting" sub-window to the "working" sub-window.
29. (Original) The apparatus of Claim 28 wherein when the command has finished executing on a computer, the name of the computer is moved from the "working" sub-window to the "completed" sub-window.

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

30. (Original) The apparatus of Claim 29 wherein the "completed" sub-window is further divided into a "successful" sub-window and a "failed" sub-window.
31. (Original) The apparatus of Claim 30 wherein the names of the computer systems that have successfully completed the execution of the command are displayed in the "successful" sub-window.
32. (Previously presented) The apparatus of Claim 31 wherein the names of the computer systems that have not successfully completed the execution of the command are displayed in the "failed" sub-window.
33. (Previously presented) The apparatus of Claim 32 wherein the names of the computer systems that have not successfully completed the execution of the command are displayed in red in the "failed" sub-window.
34. (Original) The apparatus of Claim 33 wherein when the displayed name of a computer system is selected further information about the status of the command executing on the computer system is displayed.
35. (Original) The apparatus of Claim 34 wherein if the selected computer system is displayed in the failed sub-window, a reason for the unsuccessful completion of the execution of the command is displayed.
36. (Previously presented) The apparatus of Claim 35 wherein if the selected computer system is displayed in the executing sub-window, a real-time progress of the execution of the command is displayed.

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

37. (Previously presented) A method of displaying an execution status of a command, the command being executed by a plurality of computer systems on a network, the computer systems running different system management software utilities having different command structures, the method comprising the steps of:

enabling a user to enter the command in a common interface, the command being either a request to start execution of another command or to stop execution of the other command, the common interface translating the command into the different command structures;

enabling a user to send the command to the plurality of the computer systems;

enabling a user to indicate whether or not the execution of the command is to be monitored;

displaying, if the execution of the command is to be monitored, a dialog window that is divided into a waiting, working, successful and failed sub-windows for displaying present status of the execution of the command on each of the computer systems executing the command; and

displaying the status of the execution of the command on each of the computer systems within a proper sub-window.

AUS920010905US1

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

(IX)

Evidence Appendix

None.

AUS920010905US1

Page 13 of 14

Appl. No. 09/965,002

Response to Second Notice of Non-Compliant Appeal Brief dated 05/02/2006

Reply to Office Action of 04/24/2006

(x)

Related Proceedings Appendix

None.

AUS920010905US1

Page 14 of 14